

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION**

IN RE:

DIANNE DORMAN,

Debtor

CASE NO. 16-40061-rfn13

CHAPTER 13

**HEARING DATE AND TIME:
May 13, 2016 at 10:30 AM**

**OBJECTION TO CONFIRMATION BY DEUTSCHE BANK NATIONAL TRUST
COMPANY**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Deutsche Bank National Trust Company, its successors and/or assigns (ACreditor@)¹, a secured creditor and party in interest, and pursuant to 11 U.S.C. ' ' 1322 (b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files its Objection to Debtor's proposed Chapter 13 Plan (APlan@), and in support thereof would respectfully show the Court as follows:

BACKGROUND

1. Debtor filed a voluntary petition under Chapter 13 of Title 11, United States Bankruptcy Code on January 4, 2016.

2. On September 8, 2006, a Note (the "Note") was executed by Debtor to New Century Mortgage Corporation in the original principal sum of \$190,000.00 which is secured by a Deed of

¹ Ocwen Loan Servicing, LLC is the servicer of the subject loan. Deutsche Bank National Trust Company is the current owner of the subject loan.

Trust of even date therewith granting a lien against real estate located at 100 Ascot Dr., Southlake, TX 76092 ("Property"). Copies of the Note and Deed of Trust will be attached to Creditor's forthcoming proof of claim to be filed in this case.

3. The total debt due and owing to Creditor as of the Petition Date was \$438,567.12 as will be evidenced by Creditor's forthcoming secured proof of claim (AProof of Claim@).

4. The bar date for the filing of the Proof of Claim is after the confirmation hearing scheduled in this case. Creditor is in the process of preparing its Proof of Claim. Creditor asserts this Objection to preserve its rights and to assist in the efficient administration of the confirmation process.

OBJECTION TO PROPOSED PLAN

5. Creditor objects to confirmation of the Plan because the Plan understates the pre-petition arrears due and owing under the Note. Debtors' Plan incorrectly states that there is only \$85,000.00 due in arrearages when, in fact, Creditor is entitled to full payment of its secured pre-petition arrearage claim pursuant to the Note and Deed of Trust in the amount of \$266,098.70 as of January 4, 2016. Creditor therefore objects to the proposed treatment of its secured claim.

6. Because the arrears listed for Creditor are understated, the Chapter 13 Plan may not be feasible. Further, to the extent that the interest rate is not the contractual rate of interest as set forth in the Note or the interest rate specified in this district, Creditor objects to the interest rate set forth in the plan.

7. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys' fees.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan as proposed, award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully Submitted,

By: /s/ Gordon W. Green

Gordon W. Green, SBN 24083102

ATTORNEY FOR CREDITOR

550 Westcott, Suite 560

Houston, Texas 77007

Telephone: (713) 293-3610

Facsimile: (713) 293-3636

Mailing Address

4375 Jutland Drive, Suite 200

P.O. Box 17933

San Diego, CA 92177-0933

CERTIFICATE OF CONFERENCE AND CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2016, I left a detailed voice mail message for the Debtor's attorney regarding the filing of this Objection to Confirmation and the basis of said Objection. As of the date of the filing of this Objection, I have not received a return telephone call and assume this Objection to be opposed. I hereby certify that a true and correct copy of the foregoing *Objection to Confirmation of Plan* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on May 6, 2016.

/s/ Gordon W. Green
Gordon W. Green

DEBTOR'S ATTORNEY
(via electronic notice)

William F. Ritter, IV
William Ritter Law Office
Campbell Centre I-North Tower
8350 N Central Expwy, Suite 1310
Dallas, TX 75206-1639
william@ritterlawworks.com

DEBTOR

Dianne Dorman
100 Ascot Dr
Southlake, TX 76092

TRUSTEE
(via electronic notice)

Tim Truman
6851 N.E. Loop 820, Suite 300
N Richland Hills, TX 76180
ftworthchapter13trustee-ecf@ch13ftw.com

U. S. TRUSTEE
(via electronic notice)

U.S. Trustee
1100 Commerce Street, Room 976
Dallas, TX 75242
ustpreion06.da.ecf@usdoj.gov